

**Article 2: Code Enforcement
Judicial and Administrative Remedies**

Division 6: Administrative Abatement
*(“Administrative Abatement”
added 8–10–1993 by O–17956 N.S.)*

§12.0601 Declaration of Purpose

The Council finds that its purpose in adopting Divisions 6 and 7 of Article 2 of Chapter 1 is to establish a procedure for the administrative and summary abatement of public nuisances and code violations. The procedures established in these sections are in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address Municipal Code or applicable state code violations. These sections govern all other nuisance abatement procedures established in other chapters of the Municipal Code unless other procedures are specifically stated to apply.
(Renumbered from Sec. 13.0302, retitled to “Declaration of Purpose” and amended 8–10–1993 by O–17956 N.S.)

§12.0602 Authority

Any condition caused, maintained or permitted to exist in violation of any provisions of the Municipal Code or applicable state codes which constitutes a public nuisance may be abated by the City pursuant to the procedures set forth in Divisions 6 and 7, Article 2 of Chapter 1.
(Renumbered from Sec. 13.0304, retitled to “Authority” and amended 8–10–1993 by O–17956 N.S.)

§12.0603 General Procedures

(a) Abatement Notice

- (1) Whenever a Director determines that public or private property or any portion of public or private property is a public nuisance as generally defined in Section 11.0210 or as declared in a specific section of the Municipal Code or applicable state codes, an Abatement Notice may be issued to the Responsible Person to abate the public nuisance.
- (2) The Abatement Notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to Divisions 6 and 7 of Article 2, Chapter 1 of

the Municipal Code or applicable state code violations which render the property a public nuisance.

- (3) The Abatement Notice shall describe the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or other appropriate action and shall establish time frames by which each action must occur.
- (4) The Abatement Notice shall explain the consequences should the Responsible Person fail to comply with the terms of the notice. (5) The Abatement Notice shall identify all applicable hearing and appeal rights.

(b) Service of Abatement Notice

The Abatement Notice shall be served by any one of the methods of service listed in Section 11.0301 of this Code.

(c) Compliance Time Frames

The Director shall follow the compliance time frames and specified procedures for either Time Frame One or Time Frame Two depending upon whether the criteria as provided in Section 12.0604 or 12.0605 of this Division applies.

("General Procedures" added ((a)(b) portions previously contained in former Sec. 13.0305(a)-(c)) on 8-10-1993 by O-17956 N.S.)

§12.0604 Time Frame for Compliance: Time Frame One

- (a) Time Frame One shall require the Responsible Person to abate the public nuisance within ten (10) calendar days from the date of service of the Abatement Notice.
- (b) A Director may require the Responsible Person to abate the public nuisance within Time Frame One in any one of the following instances:
 - (1) the condition causing the public nuisance is rubbish, weeds, waste or other obstructions as described in Division 2, Article 4 of Chapter 5 of this Code; or
 - (2) the condition causing the public nuisance is a vacant structure as described in Division 3, Article 4 of Chapter 5 of this Code; or

- (3) the condition causing the public nuisance is graffiti as described in Division 4, Article 4 of Chapter 5 of this Code; or
 - (4) the condition causing the public nuisance is a dangerous sign as described in Section 95.0133 of this Code; or
 - (5) the condition causing the public nuisance has been determined by a Director to be so serious or harmful that immediate abatement is required.
- (c) Right to Appeal Under Time Frame One
 - (1) The Responsible Person may appeal the Abatement Notice within ten (10) calendar days from the date of service of the Abatement Notice by filing a written request to appeal to a Director.
 - (2) Upon receiving a written request to appeal an Abatement Notice, a Director shall follow the procedures set forth in Division 5, Article 2 of Chapter 1 and request the City Manager to schedule a hearing to hear any objections why abatement should not be ordered and effected.
 - (3) Abatement shall not proceed until the Enforcement Hearing Officer issues an order, unless the Director concludes that an imminent threat to the public's health and safety exists. (4) If the Enforcement Hearing Officer issues an order confirming the existence of a public nuisance, the City may immediately abate the public nuisance pursuant to the procedures set forth in Section 12.0606 of this Division. The Hearing Officer's decision is the final administrative decision and shall become effective upon the date of the order.
- (d) Abatement Under Time Frame One

The City may abate the condition causing the public nuisance in the following circumstances:

- (1) the Responsible Person fails to abate the public nuisance as required by the Abatement Notice and an appeal has not been timely filed; or
- (2) an Administrative Enforcement Order has been issued confirming the existence of a public nuisance after an appeal by the Responsible Person.

(“Time Frame for Compliance: Time Frame One “ added (portions previously

contained in former Sec. 13.0305(e)) on 8-10-1993 by O-17956 N.S.)

§12.0605 Time Frame for Compliance: Time Frame Two

- (a) Time Frame Two shall apply to all other public nuisances not listed under Time Frame One. Time Frame Two shall require the Responsible Person to abate the public nuisance within a minimum of fourteen (14) calendar days from the date of service of the Abatement Notice. The Director may establish a longer time frame as is reasonable or necessary to complete the abatement.
- (b) Abatement Under Time Frame Two
 - (1) In the event the Responsible Person does not abate the public nuisance as required by the Abatement Notice, a Director may request the City Manager to schedule an administrative hearing pursuant to the procedures set forth in Division 4, Article 2 of Chapter 1 to determine the existence of a public nuisance.
 - (2) If the Enforcement Hearing Officer issues an order confirming the existence of a public nuisance, the City may immediately abate the conditions causing the public nuisance pursuant to the procedures set forth in Section 12.0606 of this Division.

(“Time Frame for Compliance: Time Frame Two” added (portions previously contained in former Sec. 13.0305(e)–(f)) on 8-10-1993 by O-17956 N.S.)

§12.0606 Abatement of a Public Nuisance by the City

- (a) Once a Director follows the procedures set forth in Sections 12.0604 or 12.0605 of this Division and obtains authorization to abate a public nuisance, the public nuisance may be abated by City personnel or by a private contractor.
- (b) City personnel or a private contractor can enter upon private property in a reasonable manner to abate the public nuisance as specified in the Abatement Notice or Abatement Order.
- (c) If the Responsible Person abates the public nuisance before the City performs the actual abatement pursuant to an Abatement Notice or Abatement Order, the Director may still assess all costs incurred by the City at that point against the Responsible Person pursuant to the provisions set forth in Division 3, Article 3 of Chapter 1 of this Code.

- (d) When abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Director. The report shall contain the names and addresses of the Responsible Persons of each parcel, the tax assessor's parcel number and a legal description of the property.
- (e) The Director shall request the City Manager to schedule a confirmation of costs hearing pursuant to Section 13.0302 of this Chapter, unless waived in writing by all Responsible Persons.
- (f) All administrative and actual costs incurred by the City in abating the public nuisance may be assessed and recovered against the Responsible Person pursuant to the provisions set forth in Division 3, Article 3 of Chapter 1.
(“Abatement of a Public Nuisance by the City” added (portions previously contained in former Sec. 13.0305(g)–(j)) on 8–10–1993 by O–17956 N.S.)

